

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:  
DWAYNE JOEL ASHBURN  
BETTY DELORES ASHBURN  
982 TREY PHILLIPS DRIVE  
CLARKSVILLE, TN 37042  
SSN XXX-XX-6111 SSN XXX-XX-1229

CASE 13-10351-MH3-13  
JUDGE MARIAN F HARRISON  
2/10/2014

**NOTICE OF CONFIRMATION AND PLAN TERMS**

ON **02/10/2014** the debtor(s) Chapter 13 plan, as amended, was confirmed by order of **JUDGE MARIAN F HARRISON**. This order provides an extension of the finality date to provide all parties in interest the opportunity to review the plan or its terms and seek relief from its term pursuant to Rule 9023, Federal Rules Bankruptcy. Any application for relief under Rule 9023 must be filed with the court on or before **03/07/2014**. Thereafter, the confirmed plan will be deemed final and binding on all parties pursuant to 11 U.S.C. §1327.

**B. ASHBURN** to pay **\$181.00 WEEKLY**  
**D. ASHBURN** to pay **\$633.75 BI-WEEKLY**

to the Trustee who shall disburse funds pursuant to the terms of the confirmed plan.

To the debtors' attorney, **ROBERT H MOYER, ATTY**, the sum of **of \$3,500.00** to be paid **in full as class II secured claim**.

Total fee awarded is **\$3,500.00**.

To the Court Clerk the sum of **\$0.00** and **\$0.00** for filing and noticing fees.

The court has fixed a value on the collateral held by all secured creditors, which value shall be deemed the extent of the secured claim. Such creditors shall retain the lien on their collateral and shall be treated as follows:

| Creditor Name                        | Value              | Interest     | Monthly Payment |
|--------------------------------------|--------------------|--------------|-----------------|
| <b>CLARKSVILLE TITLE</b>             | <b>\$1,000.00</b>  | <b>3.25%</b> | <b>\$20.00</b>  |
| <b>2003 CHEVROLET MONTE CARLO</b>    | <b>\$7,000.00</b>  | <b>3.25%</b> | <b>\$59.00</b>  |
| <b>HSBC</b>                          |                    |              |                 |
| <b>2007 YAMAHA V-STAR MOTORCYCLE</b> |                    |              |                 |
| <b>* TOYOTA MOTOR CREDIT CORP</b>    | <b>\$12,000.00</b> | <b>5.25%</b> | <b>\$217.25</b> |
| <b>2006 TOYOTA TACOMA</b>            |                    |              |                 |

The Trustee will calculate post petition interest due, if any, on these claims as fixed by the plan, and will pay such interest along with the principal.

To creditors holding claims secured by a purchase money security interest in a motor vehicle incurred within 910 days preceding the petition or secured by a purchase money security interest in any other thing of value incurred in the 1 year period preceding the filing as follows:

| Creditor/Collateral     | Interest | Principal Amt | Month |
|-------------------------|----------|---------------|-------|
| <b>----- NONE -----</b> |          |               |       |

The plan requires the Trustee to maintain ongoing mortgage payments as follows:

| Creditor Name          | Monthly Payment | M/Y of 1st Disbursement |
|------------------------|-----------------|-------------------------|
| <b>! CITIFINANCIAL</b> | <b>\$425.86</b> | <b>02-14</b>            |
| <b>! WELLS FARGO</b>   | <b>\$772.50</b> | <b>02-14</b>            |

The plan cures prepetition defaults on such mortgages as follows:

| <u>Creditor Name</u> | <u>Interest</u> | <u>Arrears</u> | <u>Monthly</u> |
|----------------------|-----------------|----------------|----------------|
| ! CITIFINANCIAL      | 0.00%           | \$2,450.00     | CLASS III      |
| ! WELLS FARGO        | 0.00%           | \$2,400.00     | CLASS III      |

**The defaults cured by the plan include prepetition arrearages (derived from the proofs of claim) and post petition, preconfirmation monthly installments.**

The Trustee is authorized to pay any post petition fees, expenses, and charges, notice of which is filed pursuant to Rule 3002.1, F.R.B.P. and as to which no objection is raised, at the same disbursement level as the arrears claim noted above.

As of the date of this notice, the following notice of post petition fees, expenses, and charges has been filed:

| <u>Creditor Name</u>    | <u>Claim Amount</u> | <u>Monthly Payment</u> |
|-------------------------|---------------------|------------------------|
| <b>----- NONE -----</b> |                     |                        |

The plan treats some unsecured claims differently than others. The following claims to unsecured claimholders, in classes and paid in classes, sequentially as shown below:

| <u>Class</u> | <u>Creditor Name</u>  | <u>Interest</u> | <u>Dividend</u> | <u>Claim</u>   |
|--------------|---|-----------------|-----------------|----------------|
| 1            | DEPT OF LABOR & WORKFORCE DEVELOPMENT<br><b>OVERPAYMENT ON UNEMPLOYMENT</b> | 0.00%           | 100.00%         | \$1,516.90 (e) |

The plan establishes a minimum dividend to general unsecured creditors, with timely claims but may establish a dividend to some creditors that differ from others. The following claims will be paid in the general unsecured class:

| <u>Creditor Name</u>                | <u>Interest</u> | <u>Dividend</u> | <u>Claim</u> | <u>Account</u> |
|-------------------------------------|-----------------|-----------------|--------------|----------------|
| * BELLSOUTH TELECOMMUNICATIONS INC  | 0.00%           | 100.00%         | \$434.10     | xxxxxxxxx8689  |
| CBUSA/SEARS                         | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx1905  |
| CIT BANK/FINGERHUT DIRECT           | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx8756  |
| CITIFINANCIAL                       | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx6806  |
| CUMBERLAND HEIGHTS UTILITIES        | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx4807  |
| FIRST CASH                          | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx      |
| FMAC                                | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx9501  |
| GEMB/LOWES                          | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx8954  |
| GINNYS                              | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx2630  |
| HSBC                                | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx6093  |
| HSBC                                | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx1392  |
| * JEFFERSON CAPITAL SYSTEMS LLC     | 0.00%           | 100.00%         | \$891.50     | xxxxxxxxx8756  |
| * JEFFERSON CAPITAL SYSTEMS LLC     | 0.00%           | 100.00%         | \$321.24     | xxxxxxxxx2778  |
| KOHLS/CHASE                         | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx8086  |
| LABORATORY CORP OF AMERCIA          | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx9A16  |
| * PORTFOLIO RECOVERY ASSOCIATES LLC | 0.00%           | 100.00%         | \$1,766.16   | xxxxxxxxx1728  |
| REGENCY FIN CO                      | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx7195  |
| REPUBLIC FINANCE                    | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx0316  |
| SEARS/CBSD                          | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx2856  |
| SUN LOAN                            | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx1209  |
| WELLS FARGO                         | 0.00%           | 100.00%         | \$0.00       | xxxxxxxxx5517  |

The following parties will receive future notices, but no distribution will be made to them under the confirmed plan:

TN DEPT OF LABOR & WORKFORCE DEV-BE WILSON AND ASSOCIATES PLLC

The debtor shall be responsible for paying the following claims in accordance with the underlying agreement:

Creditor

**AT&T**

**(CELL PHONE)**

**REPUBLIC FINANCE treated unsecured and liens avoided per 522(f). (VOID LIEN)**

**Case to be dismissed, without further hearing, upon filing of notice of non-compliance and order dismissing case by the trustee.**

Confirmation of this Plan shall impose upon any claimholder treated under paragraph 4 d) (iv) of the Confirmation Order and, holding as collateral, the debtor's residence, the obligation to:

a. Apply the payments received from the Trustee on pre-confirmation arrearages only to such arrearages. For purposes of this Plan, the "pre-confirmation" arrears shall include all sums included in the allowed proof of claim plus any post-petition pre-confirmation payments due under the underlying mortgage obligation not specified in the allowed proof of claim. Monthly ongoing mortgage payments shall be paid by the trustee commencing with the later of the month of confirmation or the month in which a proof of claim itemizing the arrears is filed by such claimholder.

b. Treat the mortgage obligation as current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties or other charges.

Unsecured creditors shall receive their prorata portion of the Unsecured Pool that remains after satisfaction of all allowed priority and administrative claims, not to be less than **100.000% (class II)** of such claims.

The unsecured pool shall be increased by the "base" amount not needed to satisfy allowed secured, priority, and administrative claims (including the trustee's commission).

The plan establishes a minimum pool of funds to be paid to all unsecured creditors called the "unsecured pool". Nonpriority unsecured creditors holding allowed claims shall receive a pro rata share of the unsecured pool after allowed unsecured priority and administrative claims have been satisfied. The plan establishes the Unsecured Pool at **N/A**.

Please note that this Notice is only a summary of the plan as confirmed by the Court. You are cautioned to review the Court's order approving the plan, available on PACER at <http://ecf.tnmb.uscourts.gov>.

/s/HENRY E HILDEBRAND, III

CHAPTER 13 TRUSTEE

P O BOX 340019

NASHVILLE, TN 37203

PHONE: 615-244-1101

FAX: 615-242-3241

pleadings@ch13nsh.com

\* An asterisk denotes that a proof of claim has been filed for the listed creditor. No disbursements will be made on any claim pursuant to the plan unless an allowed proof of claim is filed.